

REMARKS**I. Claim Changes**

New claims 19 to 31 have been added and claims 1 to 18 have been canceled.

New claim 19 includes features similar to those in canceled claims 1, 10, 13 and 15.

Besides some minor wording changes made for formal reasons the main differences in subject matter between canceled claim 1 and new claim 19 occur in step c). Step c) of claim 1 only stated that the message is repeated or retransmitted by the central station in response to the repeat request. Step c) of new claim 19 includes the additional features that the lost or erroneous message is repeated a predetermined number of times within the time interval, but only within the time interval and until either a maximum number or repetitions has occurred or the terminal making the request positively acknowledges receipt of the correct message or the lost message. Also step c) of claim 19 states that no further repeat transmissions of the lost or erroneous message are performed when the maximum number of repeat transmissions is exceeded. Note that because of this feature further requests for repeat transmission will be ignored by the central station after the predetermined time interval has expired.

Basis for these changes in the claim wording of the independent claim appears, e.g. on pages 8 and 9 of applicants' U.S. specification, or in canceled

claims 10 to 15. The feature that the lost or erroneous message is only repeated a predetermined number of times is important to distinguish from the prior art. This feature has basis in claim 10. Figure 7 shows how this feature may be implemented because the memory of the central station will "forget" a message after a certain time since it is replaced by newly transmitted messages.

Also the subject matter of the dependent claims has been reorganized to emphasize the more important aspects of the claimed invention, which generally involve the repetition of lost or erroneous message transmissions. Particularly the important distinguishing features involve limitations on the number of repeat transmissions by the central station to avoid clogging the message transmission system when one terminal is faulty. The message repetition will be limited according to claim 19 only to a predetermined time interval. No more than a maximum number of transmission repetitions is allowed. When provisions are made for a positive acknowledgement of reception of the previously lost or incorrect message the transmission repetitions are halted when the central station receives the positive acknowledgement.

For your convenience the following table shows the source of the subject matter of the new dependent claims from the canceled dependent claims.

<u>New Dependent claim</u>	<u>Canceled claim(s)/source</u>
20	2,3; spec p. 5
21	11; spec p. 8, lines 7 to 11
22.....	12
23	15
24	8
25.....	9
26	16
27	17,18

28.....	14
29	4,5
30.....	6
31	7

Various changes in wording have been made in the dependent claims to avoid indefinite wording and distinguish the invention from the prior art.

II. Specification Changes

The disclosure was objected to because of mention of features of the claims *in passim*. The "summary section" of the specification has been amended to delete the general reference to the dependent claims on page 4 and to include selected features of preferred embodiments from the dependent claims. Duplication of some features already mentioned in the description has been avoided.

The disclosure was also objected to because of inclusion of the priority information at the end of the specification. The priority information was included on page 10 of the specification in order to provide a basis for correcting mistranslations of the priority document without raising "new matter" issues (so that it does not matter if cancellation is required).

However the priority information on page 10, lines 6 to 10, has been canceled as requested.

For the foregoing reasons and because of the changes in the specification withdrawal of the objection to the disclosure is respectfully requested.

III. The Anticipation Rejection based on Gonno

Claims 1 to 18 were rejected under 35 U.S.C. 102 (b) as anticipated by Gonno (EP 000876023).

Claims 19 to 31 have been added and claims 1 to 18 have been canceled.

Gonno does disclose a communication network for multicasting, such as an IP multicast network, in which message transmission reliability problems occur. When transmitted messages that are received in a number of receivers of a participating group contain errors, the receivers transmit a request for retransmission of the incorrect messages to the central station or transmitter. The transmitter takes a logical sum of all the requests to determine which messages need to be retransmitted (some messages might be incorrectly received by one receiver, other messages, incorrectly received by another receiver). As a result of the totaling and request for retransmission, the incorrectly transmitted messages are retransmitted (claim 14, claim 25; means for totaling; see the summary of invention in Gonno, for example the third paragraph of the summary or the "next to next to last paragraph" of the summary).

However in general, as described in connection with figs. 2A and 2B, in the detailed description of Gonno, Gonno does not recognize the problem of clogging the communication network with too many requests for retransmission from a faulty transmitter. Gonno does not limit the method to making a maximum number of retransmissions of the messages in response to a repeat request.

Note that this limiting feature is not part of the claimed method of Gonno in claims 1 to 25 of that reference.

Gonno does mention that the repeat transmissions may be limited to a certain time interval in connection with the embodiment of figure 5. However Gonno does not state that a message or messages can only be repeated within a predetermined time interval or a predetermined maximum number of times. Also Gonno provides for repeat transmission of the packets for a certain time even without a repeat request. This differs from only performing a certain maximum number of repeat transmissions in response to a repeat request and not repeating a message further despite additional repeat requests when the maximum number of retransmissions has been exceeded, as in the case of the newly claimed method in accordance with step c) of claim 19.

Step c) of claim 19 states that

"said central station (ZE) performs a predetermined number of repeat transmissions of said one of said messages in response to the repeat request, but only within a predetermined time interval and until a maximum number of said repeat transmissions is reached or until said one of said terminals positively acknowledges receipt of the lost or erroneous message and does not perform any further repeat transmissions of said one of said messages after said maximum number has been reached."

Thus according to claim 19 even if several receivers continue to repeatedly request repeat transmission of a message that is lost or incorrect the transmitter or central station will not continue to repeat transmission after a predetermined maximum number of transmissions. The Gonno reference does not limit the method to a certain number of retransmissions to prevent clogging. See the flow charts of figs. 5 and 7 of Gonno.

Furthermore Gonno do not teach certain features of the dependent claims. For example, Gonno does not suggest that the receivers themselves limit the number of repeat transmissions as in new claim 22. Also the feature that the identifiers are a simple sequence numbers, which simplifies identification of a missing message in a sequence of transmitted messages, is not disclosed or suggested by Gonno. This latter feature is claimed in claim 24.

It is well established that each and every limitation of a claimed invention must be disclosed in a single prior art reference in order to be able to reject the claimed invention under 35 U.S.C. 102 (b) based on the disclosures in the single prior art reference. See M.P.E.P. 2131 and also the opinion in *In re Bond*, 15 U.S.P.Q. 2nd 1566 (Fed. Cir. 1990).

Gonno does not disclose the limitation that only a certain maximum number of repetitions of a message incorrectly received or lost is permitted to prevent clogging of the communications network.


For the foregoing reasons and because of the changes in the claims it is respectfully submitted that none of the new claims 19 to 31 should be rejected as anticipated under 35 U.S.C. 102 (b) by Gonno (EP 000876023).

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal

discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,


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